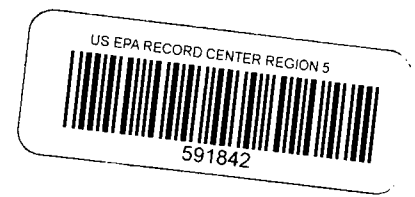




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



SE-5J

VIA EMAIL or HAND DELIVERY

Denise Nelson
Senior Director
Tyco Fire Suppression

Re: Menominee Warehouse Fire Site
Menominee, Michigan
Site/Spill Identifier:
General Notice of Potential Liability

Dear Ms. Nelson:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Menominee Warehouse Fire Site ("Site") and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances, pollutants and contaminants or were involved in the transport, treatment, or disposal of the hazardous substances, pollutants and contaminants at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the Site:

- Activate EPA's Emergency and Rapid Response Services and Superfund Technical Assessment and Response Team contractors;

- Develop a site-specific Health and Safety Plan, Sampling and Analysis Plan, Air Monitoring Plan, and Emergency Contingency Plan;
- Establish an Exclusion Zone, Contamination Reduction Zone, and Support Zone;
- Develop a cleanup strategy based on Site conditions;
- Perform haz-cattig and laboratory analysis on containers as necessary;
- Conduct air monitoring throughout the removal process;
- Conduct surface water sampling;
- Evaluate potential impact on the water treatment plants and intakes;
- Supply alternate drinking water supplies to the public, if necessary;
- Oversee the transportation and disposal of waste generated; and
- Generate a report summarizing all removal activities.

EPA has received information that you may have owned or operated the Site or generated or transported hazardous substances that were released at or from the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site.

Under CERCLA, the owner/operator/transporter of the source may carry out the necessary actions so long as they will perform them in an appropriate and prompt manner. If the owner/operator/transporter refuses to take adequate removal action, that person may be financially responsible for the cost of actions taken by the Federal Government to remove the hazardous substance and adequately mitigate its effects. The removal is being done properly if it is done in accordance with Federal and State statutes and regulations and the criteria of the National Contingency Plan at 40 C.F.R Part 300. If you undertake removal actions, the adequacy of such actions shall be determined by the Federal On-Scene Coordinator. If it is determined that you are not taking prompt and appropriate actions to clean up, contain and remove the hazardous substance(s), Federal response may be initiated. You may then be held responsible for the costs of response and for damages of up to three times the cost incurred by the Federal Government, as set forth in CERCLA.

Given the exigencies of the situation, U.S. EPA may also decide to issue an Administrative Order requiring you to undertake the necessary actions at this location.

Should you require further information concerning this matter, you should contact the On-Scene Coordinator Craig Thomas at (312) 802-9637 or Jacqueline Clark of the EPA Office of Regional Counsel at (312) 353-4191 or at clark.jacqueline@epa.gov.

Sincerely,


Federal On-Scene Coordinator

Date: ^{C.T.} October 8, 2022

Received and Acknowledged

Date: _____

Witness

Date: _____